IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| VALENCIA M MCCLATCHEY, |))) | |
|------------------------|-------------|--------------------------|
| Plaintiff, | Ć | |
| |) | Civil Action No. 05-145J |
| V |) | |
| THE ASSOCIATED PRESS, |))) | |
| Defendant | į | |
| |) | |

APPENDIX TO DEFENDANT'S STATEMENT OF UNDISPUTED MATERIAL FACTS PURSUANT TO LOCAL RULE 56.1

LEVINE SULLIVAN KOCH & SCHULZ, LLP

Robert Penchina (Pro Hac Vice) 230 Park Avenue, Suite 1160 New York, NY 10169 (212) 850-6100 (212) 850-6299 (Fax) Gayle C. Sproul (L.D. No. 38833) Michael Berry, I.D. No. 86351 (Pro Hac Vice) 2112 Walnut Street, Third Floor Philadelphia, Pennsylvania 19103 (215) 988-9778 (215) 988-9750 (Fax)

Attorneys for The Associated Press

TABLE OF CONTENTS

| TAE | 5 |
|--|---|
| Complaint for Copyright Infringement | |
| Declaration of Robert Penchina 2 | |
| Declaration of J. David Ake | |
| Declaration of James R. Gerberich 4 | |
| Deposition of J. David Ake 5 | |
| Deposition of George Galt6 | |
| Deposition of James R. Gerberich | |
| Deposition of Valencia M McClatchey8 | |
| Exhibits from Deposition of Valencia M McClatchey 9 | |
| Deposition of Gene J Puskar 10 | |
| Deposition of Charles Sheehan 11 | |
| Plaintiff's Response to Defendants Requests for Admissions 12 | |
| Responses and Objections of Defendant The Associated Press to the First Set of Requests for Admission by Plaintiff Valencia McClatchey | |
| Responses and Objections of Defendant The Associated Press to Plaintiff's First Set of Interrogatories (Nos. 1-16) to Defendant | |